

IN RE: PETITION FOR ZONING VARIANCE
S/S Edmondson Avenue, 135' W
of the c/l of Dutton Avenue
(1707-1709 Edmondson Avenue)
1st Election District
1st Councilmanic District
Henry Honick, et ux
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a front setback of 5 feet in lieu of the required average of 25.8 feet; 7 parking spaces in lieu of the required 21; and a two-way aisle width of 15 feet in lieu of the required 22 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Henry Honick, appeared, testified and were represented by Arnold M. Zerwitz, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1707-1709 Edmondson Avenue, consists of 0.20 acres zoned B.L.-C.N.S., and is improved with a two story frame building presently used as office and retail space. Petitioner is a dentist and operates his dental offices from the second floor of the subject building and leases the first floor to Caton Distributors, a wholesale and retail sales operation. Testimony indicated Petitioner is desirous of adding a one story addition to the existing building to provide additional retail and office space on the first floor. Dr. Honick testified the requested variances are necessary as a result of the lot configuration and the location of existing improvements thereon. He contends that as a result of surrounding uses and the existence of a public parking facility across from the subject site, strict compliance with the parking requirements should not be required. Testimony further indicated that the relief requested has the approval of surrounding proper-

ty owners and residents of the area as evidenced by a signed Petition of support introduced as Petitioner's Exhibit 5.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of December, 1989 that the Petition for Zoning Variance to permit a front setback of 5 feet in lieu of the required average of 25.8 feet; 7 parking spaces in lieu of the required 21; and a two-way aisle width of 15 feet in lieu of the required 22 feet, in accor-

dance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan which specifically sets forth all the requested variances and relative measurements thereon.
- 3) In accordance with the comments submitted by the Office of Planning dated December 1, 1989, the parking area to the rear of the subject building shall be paved with a macadam surface. Said paving shall be completed within six (6) months of the date of this Order.
- 4) Petitioners shall have prepared and executed at their expense an appropriate Easement Agreement which permits access to the subject property through the "Caton Tavern" property. Said Easement Agreement shall be filed and recorded among the Land Records for Baltimore County and an executed copy of same forwarded to the Zoning Commissioner's office for inclusion in the case file by no later than April 1, 1990.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

December 13, 1989

Arnold M. Zerwitz, Esquire
28 Allegheny Avenue, Suite 501
Townson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
S/S Edmondson Avenue, 135' W of the c/l of Dutton Avenue
(1707-1709 Edmondson Avenue)
1st Election District - 1st Councilmanic District
Henry Honick, et ux - Petitioners
Case No. 90-214-A

Dear Mr. Zerwitz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-214-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.4.C.1. to allow a front setback of 5 ft. in lieu of the required front yard average of 25.8 ft. and to allow 7 parking spaces in lieu of the required 21, and to allow a two-way aisle width of 15 ft. in lieu of the required 22 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Cannot meet zoning requirements due to configuration of property.
2. Substantial surrounding parking area.
3. Such other and further reasons as may be demonstrated at the hearing, included but not limited to hardship and practical difficulty.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

HENRY HONICK

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

HENRY HONICK

(Type or Print Name)

Signature

Address

City and State

Name

HENRY HONICK

(Type or Print Name)

Signature

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Address

City and State

Name

HENRY HONICK

(Type or Print Name)

Signature

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

November 22, 1989

Arnold M. Zerwitz, Esquire
28 Allegheny Avenue, Suite 501
Towson, MD 21204

RE: Item No. 54, Case No. 90-214-A
Petitioner: Mr. Honick, et ux
Petition for Zoning Variance

Dear Mr. Zerwitz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WITKOWSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 687-3391.

Truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

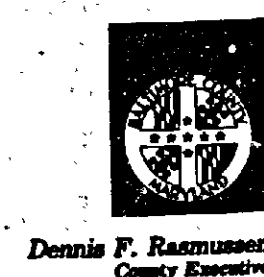
JED:jw

Enclosures

cc: Mr. & Mrs. Henry Honick
4022 Macalline Road
Ellicott City, MD 21043

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
15th day of September, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

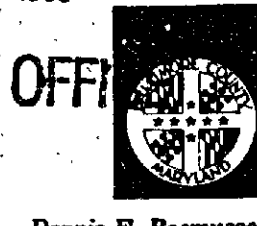
Petitioner: Henry Honick, et ux

Petitioner's Attorney: Arnold M. Zerwitz

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

RECEIVED
SEP 14 1989

September 5, 1989
ZONING OFFICE



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 54
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Area:
District:

Dear Mr. Haines:

The required variance to parking can be expected to cause parking problems in the area.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lw

SEP 16 1989

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Retzke
Chief

AUGUST 10, 1989



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HENRY HONICK

Location: #1707-09 EDMONDSON AVENUE

Item No.: 54 Zoning Agenda: AUGUST 15, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Retzke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 1, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Zoning Petition No. 90-214-SPHA, Item 54
Henry Honick, Petitioner

The Petitioner requests Variances to building setback requirements, parking requirements, and aisle width requirements.

In reference to this request, staff offers the following comments:

- A CRG meeting will be required prior to the construction of the proposed addition. A waiver request will not be considered for a multi-use building.

- The site plan does not reflect the 12 ft. building addition to the rear of the adjoining restaurant in the location of parking spaces 18, 19, and 20. It also does not indicate the location of the 15 ft. wide aisle for which a Variance is requested.

- This office has no objection to the proposed front setback Variance because it is an extension of an existing building, however, it opposes the parking Variance request. A Variance could compound an existing deficiency. The nine public parking spaces may not be sufficient to meet the needs of this property owner and others, which are also deficient for parking. Additional parking should be leased from off site properties.

- If the Zoning Commissioner grants the requested Variances, the parking surface in the rear of the site should be paved with macadam and a cross-easement agreement should be recorded to allow access through the "Caton Tavern" property.

- A landscape plan must be approved prior to the issuance of any building permits.



NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property located at 1707-09 Edmondson Avenue in Towson, Maryland 21204 at 11:00 A.M. on December 1, 1989 at the County Office Building, Room 300, County Office Building, Towson, Maryland 21204.
Petitioner: Henry Honick, et ux
Hearing Date: December 1, 1989 at 11:00 A.M.
Variance: To allow a front setback of 12 feet in lieu of the required 25 feet; and to allow 9 parking spaces in lieu of the required 21; and to allow a 15 foot wide aisle in lieu of the required 22 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the Zoning Commissioner on or before the date of the hearing, set above or presented at the hearing.
NOTE: If the "SHOW EMBROIDERY" is not shown in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, the hearing will be postponed to the next business day.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CU 11009 November 16, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., November 29, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 16, 1989.

THE JEFFERSONIAN,

S. Zabe Olson
Publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: *1st*
Posted for: *Variance*
Petitioner: *Henry Honick et ux*
Location of property: *1707-09 Edmondson Avenue, 135' W of the C.R. of Dutton Avenue (1707-1709 Edmondson Avenue)*
Location of Signs: *South side of Edmondson Avenue in front of subject property*
Remarks: *12-14-89*
Posted by: *A. J. Rite* Date of return: *11-17-89*
Number of Signs: *1*

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S Edmondson Ave., 135' W of : OF BALTIMORE COUNTY
C/R of Dutton Ave. (1707-1709 :
Edmondson Ave.), :
1st Election District :
1st Councilmanic District :
HENRY HONICK, et ux, : Case No. 90-214-A
Petitioners :
1111111111

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 300, County Office Building
Towson, Maryland 21204
21288

I HEREBY CERTIFY that on this 27th day of November, 1989, a copy of the foregoing Entry of Appearance was mailed to Arnold M. Zerwitz, Esquire, 28 Allegheny Ave., Suite 501, Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 11/28/89

Mr. & Mrs. Henry Honick
4022 Macalpine Road
Ellicott City, Maryland 21043

Re: Petition for Zoning Variance
CASE NUMBER: 90-214-A
55 Edmondson Avenue, 135' W of c/l of Dutton Avenue
1707-1709 Edmondson Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Henry Honick, et ux
HEARING: MONDAY, DECEMBER 4, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Honick:

Please be advised that \$165.28 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:sgl
cc: Arnold M. Zerwitz, Esq.
File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 3, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-214-A
55 Edmondson Avenue, 135' W of c/l of Dutton Avenue
1707-1709 Edmondson Avenue
1st Election District - 1st Councilmanic
Petitioner(s): Henry Honick, et ux
HEARING: MONDAY, DECEMBER 4, 1989 at 9:30 a.m.

Variances To allow a front setback of 5 feet in lieu of the required front yard average of 28.8 feet; and to allow 7 parking spaces in lieu of the required 21; and to allow a 2-way aisle width of 15 feet in lieu of the required 22 feet.

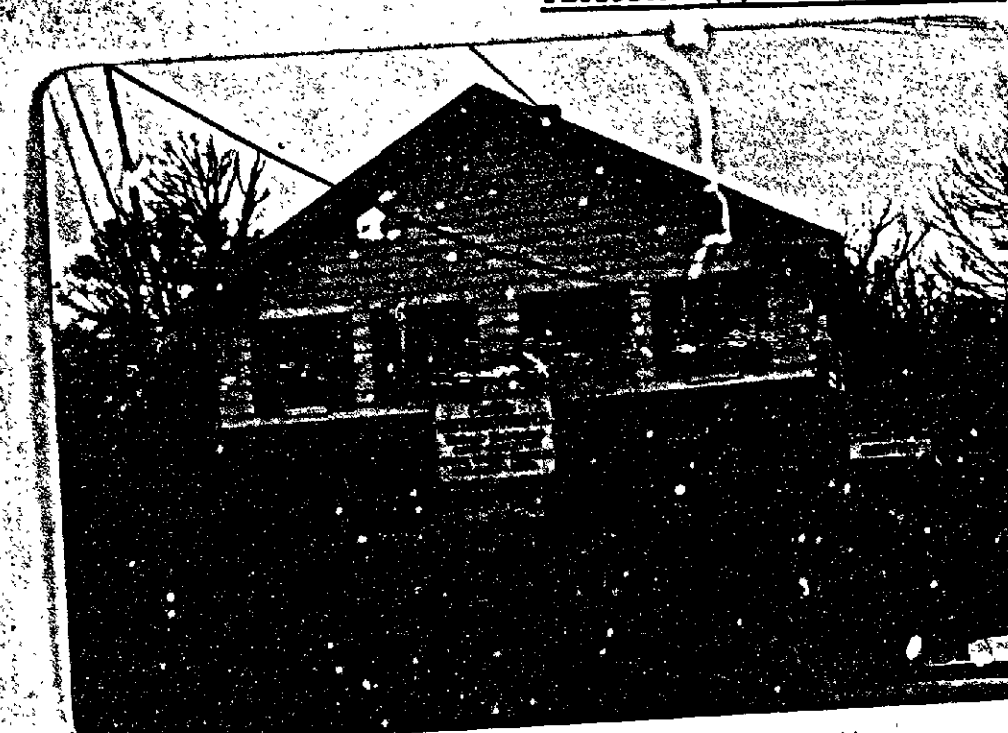
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:sgl
cc: Mr. & Mrs. Honick
Arnold M. Zerwitz, Esq.
File

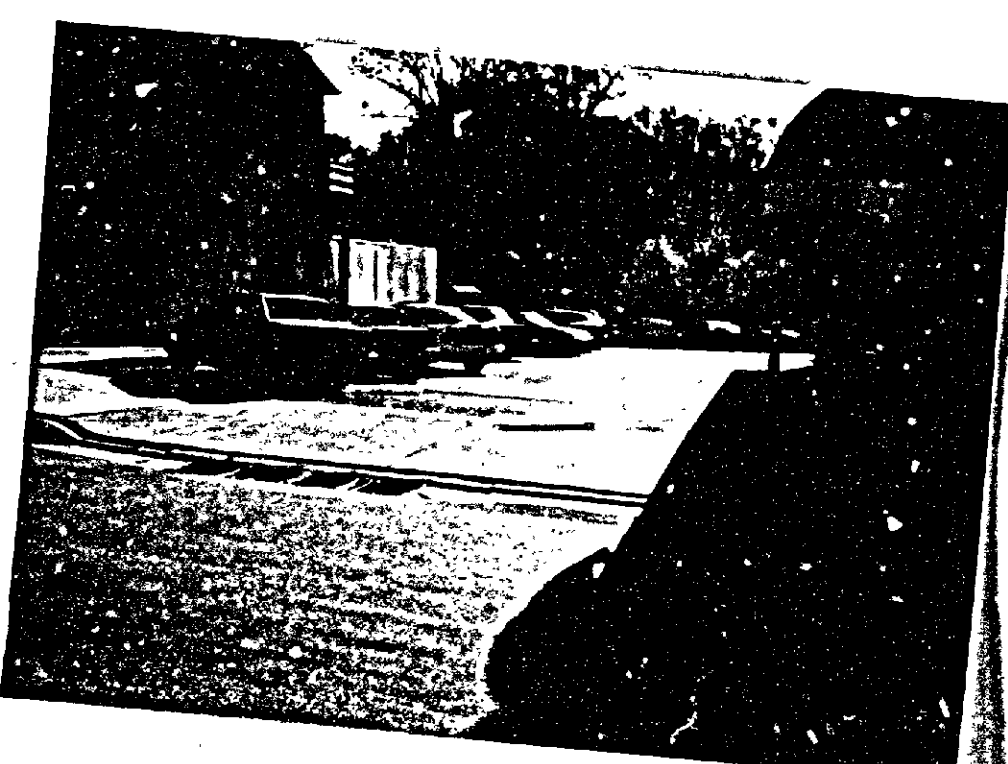
PETITIONER(S) EXHIBIT (2)



PETITIONER(S) EXHIBIT (3)



PETITIONER(S) EXHIBIT (4)



ARNOLD M. ZERWITZ

Attorney at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

July 3, 1990

J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

Re: Petition for Zoning Variance
1707-1709 Edmondson Avenue

Dear Commissioner Haines:

I am writing to your attention to request an extension of time to comply with your Order dated December 13, 1989 of which did require that the parking area to the rear of the subject building be paved with a macadam surface that said paving shall be completed within six months of the day of this Order.

I wish to advise you that the petitioner, Dr. & Ms. Honick, are still waiting for further information from their architect before beginning construction and will need additional time to comply with the paving requirement. I would appreciate if we could please receive a ninety (90) day extension of your Order. Thank you for your very kind consideration.

Very truly yours,

Arnold M. Zerwitz
ARNOLD M. ZERWITZ

AMZ:eml

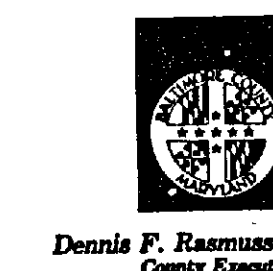
cc: Dr. Henry Honick, Jr.
1709 Edmondson Avenue
Catonsville, Maryland 21228

RECEIVED
JUL 10 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 16, 1990



Arnold M. Zerwitz, Esquire
Suite 501, Penthouse Condominium
28 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
1707-1709 Edmondson Avenue
Case #90-214-A

Dear Mr. Zerwitz:

Pursuant to your letter dated April 11, 1990 and your request for an extension of time, I am hereby granting the Petitioner, in the above captioned case, until May 20, 1990 to fully comply with the restrictions contained in my Order of December 13, 1989.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:mmm

ARNOLD M. ZERWITZ

Attorney at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

April 11, 1990

J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

RE: Petition for Zoning Variance
1707-1709 Edmondson Avenue
Case No.: 90-214A

Dear Commissioner Haines:

I am writing to your attention to request an extension of time to comply with your Order dated December 13, 1989. You did grant a Petition for Zoning Variance subject to the Petitioners preparing an appropriate Easement Agreement to be filed among the Land Records of Baltimore County with a copy being forwarded to your office before April 1, 1990.

The Petitioners needed an additional period of time in order to obtain the appropriate signatures on the Easement Agreement which included not only the adjoining property owners, but the mortgages as well. I am now enclosing an appropriate Easement Agreement. This extension of time will afford your Petitioners the opportunity to comply with your Order.

Thank you for your very kind consideration.

Very truly yours,

Arnold M. Zerwitz
ARNOLD M. ZERWITZ

AMZ:sgl

cc: Mr. Henry Honick, Jr.
1709 Edmondson Avenue
Catonsville, Maryland 21228

RECEIVED
APR 12 1990
ZONING OFFICE

ARNOLD M. ZERWITZ
Attorney at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

June 11, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Petition for Zoning Variance
1707-09 Edmondson Avenue
Case No.: 90-2-A

Dear Mr. Commissioner Haines:

I am enclosing herewith, in compliance with the restrictions contained in your Order of December 13, 1989 a copy of the real property transfer affidavit and recording receipt showing that the property easement has been properly recorded among the Land Records of Baltimore County.

Thank you again for your very kind considerations in this matter.

Very truly yours,

ARNOLD M. ZERWITZ

AMZ:rel
Enclosure

cc: Mr. Henry Honick
1709 Edmondson Avenue
Catonsville, Maryland 21228

RECEIVED JUN 19 1990

ok 7/24
8/1/90
wcr

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 337-3333

J. Robert Haines
Zoning Commissioner

July 16, 1990

Arnold M. Zerwitz, Esquire
Suite 501, Penthouse Condominium
28 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Zoning Variance
1707-1709 Edmondson Avenue
Case No. 90-214-A

Dear Mr. Zerwitz:

I am in receipt of your letter dated July 3, 1990 concerning the above captioned matter. Please be advised that you are granted an extension of an additional 90 days regarding restriction #3 in my Order of December 13, 1989.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:rm
cc: Dr. Henry Honick, Jr.
1709 Edmondson Avenue
Catonsville, Maryland 21228

RECEIVED
JUN 15 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
Office of Finance - Revenue Division
REAL PROPERTY TRANSFER - CONSIDERATION AFFIDAVIT

Complete affidavit - original and 1 copy - for each instrument other than mortgage or deed of trust (with or without consideration). Sign and return both copies.

In compliance with Baltimore County Code Title 11, Article IX, Section 11-69 through 11-85, as amended, it is certified that an instrument described below, representing a transfer of real property including, but not limited to, fee simple estate, leasehold estate, limited estate and legal or equitable interests in real property, is offered for record in Baltimore County. The subject property is identified as follows:

Property Account # 616 Prior Deed Reference: Liber 8278, Folio 616

Date of Instrument 4-10-90 Amount of Mortgage \$

DOCUMENTS PRESENTED

☐ Deed ☐ Agreement ☐ Total Consideration \$
☐ Deed of Trust ☐ Mortgage ☐ Assessed Factor \$
☐ Contract ☐ Lease over 7 years ☐ Exempt Status Claimed per Baltimore County Code
☐ Other ☒ Right-of-way or Easement Agreement ☐ *Total Consideration is transfer tax base.

*Is Subject Property Financed by Bonds Issued Under Article 41, Section 266, Annotated Code of Maryland Yes No

PERSON OFFERING INSTRUMENT FOR RECORDING: TRANSFERRED PROPERTY KNOWN AS:

Name ARNOLD M. ZERWITZ Esq. 1707 Edmondson Ave.

Title Co. or Firm

Address 28 ALLEGHENY AVE. ☐ WHOLE TRANSFER

TOWSON, MD. 21204 ☐ PARTIAL TRANSFER - List Improvements on Partial Transfer

Phone: 337-8600 ☐ Is Plat Available for Transfer Office?

GRANTOR: ARNOLD M. ZERWITZ, Esq. GRANTEE: Henry Honick

Wife

I HEREBY CERTIFY under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.

Signed: ARNOLD M. ZERWITZ GRANTEE MAILING ADDRESS

Date: 4/10/90

OFFICE OF FINANCE USE ONLY:

Agent Amount \$ 5000 Invoice Date 4/10/90

Tax Bill C.B. Credit Other Credit

Comments

ARNOLD M. ZERWITZ
Attorney at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

September 4, 1990

J. Robert Haines,
Zoning Commissioner
Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Md. 21204

RE: Petition for Zoning Variance
1707-1709 Edmondson Ave.
Case No.: 90-214-A

Dear Mr. Haines

In response to your letter dated August 15, 1990, I am enclosing herewith proposed updated proposed site improvement plan together with correspondence from Dr. Honick's architect. I trust that this detailed commitment assures your office that this project will be completed pursuant to your order.

Very truly yours,

ARNOLD M. ZERWITZ

AMZ:sgl

RECEIVED
SEP 6 1990
ZONING OFFICE

7162 Fairbrook Road
Baltimore, Md. 21207
August 30, 1990

Henry Honick, D.D.S.
1709 Edmondson Avenue
Catonsville, Md. 21228

Dear Doctor Honick,

I'm sending herewith two (2) copies of the proposed site improvement plan for the addition to your building at 1707-09 Edmondson Avenue. Shown thereon are the zoning variances (with the exception of the two-way aisle width which is shown on M. & H. Development's property plat of June 15, 1989) which were granted on December 4, 1989, by the Baltimore County Office of Planning and Zoning.

Trusting this will assist you with item 2 on the last page of their letter of December 13, 1989, and in answering their letter of August 15, 1990, I remain,

Sincerely yours,

Ernest F. Sharff II
Architect
Md. Reg. No. 3865-A

Board of Zoning
Baltimore Co.
Towson, md

Re: 1709 Edmondson Ave

To Whom It May Concern:

Dear Sir,

I am the property owner at 1705 Edmondson Avenue. My property is presently being used as a restaurant.

I am aware of Dr. Henry Honick's request for a zoning variation in order to construct an addition to his existing building and I support his request in that among other things, these improvements to his building will enhance our entire area.

I have given Dr. Honick and his agents present and continued use of my property to enter and exit his parking area. I further agree to enter my formal agreements for the continued use of my property as the zoning board may require. I wait your advice.

PETITIONER'S
EXHIBIT 6

Very Truly Yours,
Frank J. Honick

Zoning Case #
90214 A

LIBER 8500 PAGE 600

MAIL
To: Arnold M. Zerwitz, Esq.
28 Allegheny Ave.
Suite 501
Towson, Md. 21204

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this 11th day of April, 1990, by and between FRANK J. SHITTIMO and SALVATORE SHITTIMO, parties of the first part, Grantors; SOTIRIOS ANTONIOU and MARIA ANTONIOU, his wife, Mortgagees; and HENRY HONICK and JEAN HONICK, his wife, parties of the second part, Grantees.

WHEREAS, the parties of the first part are the fee simple owners of all that lot or parcel of ground, the improvements thereon being known and designated as 1705 Edmondson Avenue, by virtue of a Deed dated August 28, 1989 from Sotirios Antoniou and Maria Antoniou, his wife, recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 8278, folio 616; and

WHEREAS, Sotirios Antoniou and Maria Antoniou, his wife, are Mortgagees secured by 1705 Edmondson Avenue by virtue of an instrument dated August 28, 1989 and recorded among the Land Records of Baltimore County in Liber S.M. No. 8278, folio 616; and

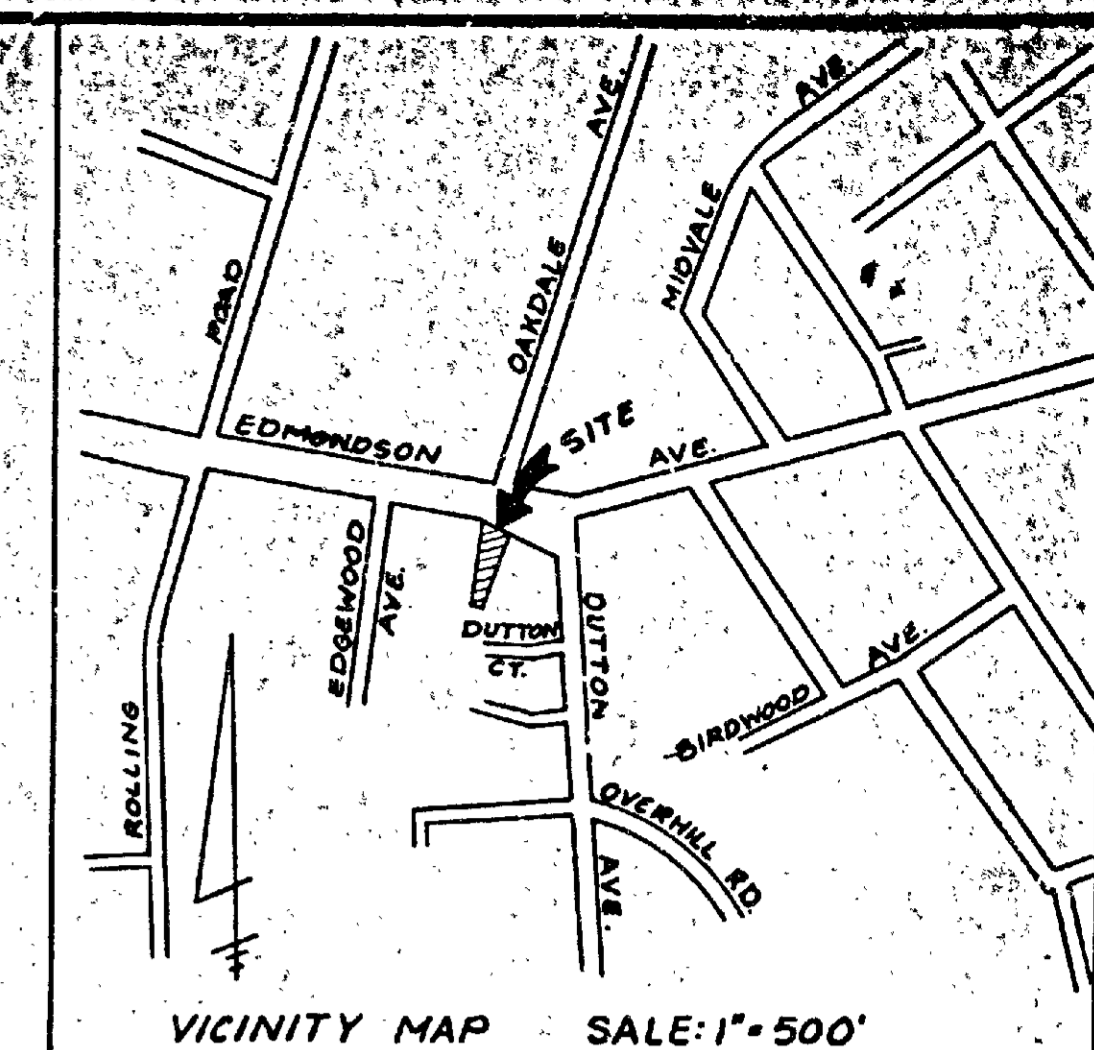
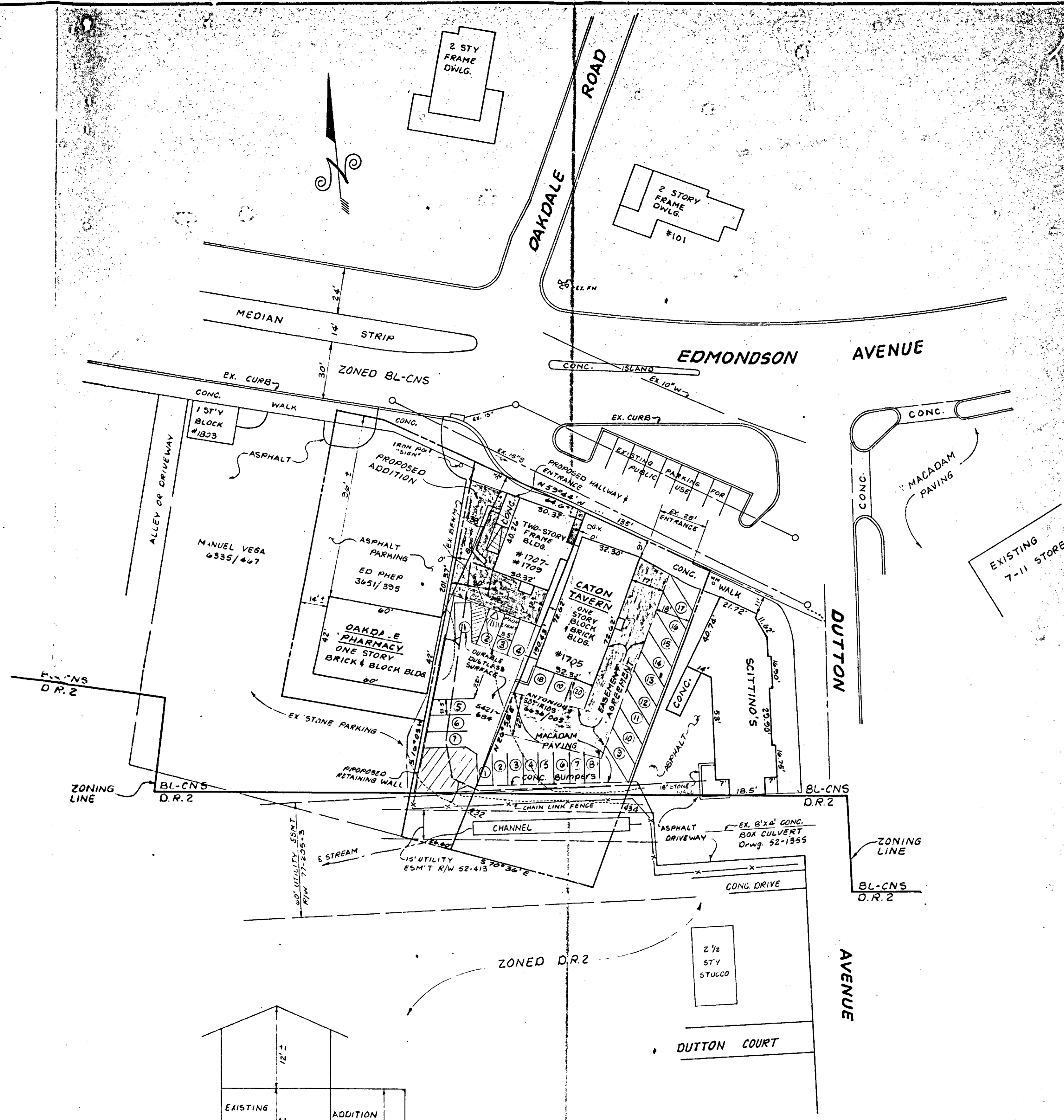
WHEREAS, the parties of the second part, are the fee simple owners of all that lot or parcel of ground, the improvements thereon being known and designated as No. 1707-1709 Edmondson Avenue by virtue of a Deed dated December 27, 1973 from Jean Honick recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., JR. No. 5421, folio 684; and B.R.C.F. 28.66

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Authorized Signature
Date: 7/15/90 Sec. 11-68

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
Signature JK 5/16/90

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JK 5/16/90

PETITIONER'S
EXHIBIT 5



CASE NO. 90-214-A
APPROVED ZONING VARIANCES

- 1) FRONT SET BACK OF (5) FEET IN LIEU OF THE REQUIRED AVERAGE OF 26.8 FEET.
- 2) SEVEN (7) PARKING SPACES IN LIEU OF THE REQUIRED TWENTY-ONE (21)
- 3) TWO WAY ISLE OF FIFTEEN (15) FEET IN LIEU OF THE REQUIRED (22) FEET

EXISTING TWO STORY FRAME DWELLING
EXISTING USE - 1ST FLOOR - BARBER SHOP - AREA - 600 sq ft
GENERAL OFFICE SPACE - AREA - 600 sq ft
2ND FLOOR - DENTAL OFFICE - AREA - 1200 sq ft

PROPOSED ONE STORY OFFICE BLDG.
PROPOSED USE - RETAIL OUTLET - AREA - 2100 sq ft

- PARKING DATA**
- 1) 2100 sq ft OF RETAIL OUTLET WOULD REQUIRE 5 PARKING SPACES PER 1,000 sq ft OR 10.5 PARKING SPACES
 - 2) 600 sq ft TO BE UTILIZED AS A BARBER SHOP WOULD REQUIRE 5 PARKING SPACES PER 1,000 sq ft OR 3 PARKING SPACES
 - 3) 600 sq ft TO BE UTILIZED AS GENERAL OFFICE SPACE WOULD REQUIRE 3.3 PARKING SPACES PER 1,000 sq ft OR 2 PARKING SPACES
 - 4) 1200 sq ft TO BE UTILIZED AS DENTAL OFFICE WOULD REQUIRE 4.5 PARKING SPACES PER 1,000 sq ft OR 4 PARKING SPACES
 - 5) TOTAL SPACES REQUIRED = 21
 - 6) TOTAL SPACES PROVIDED = 7

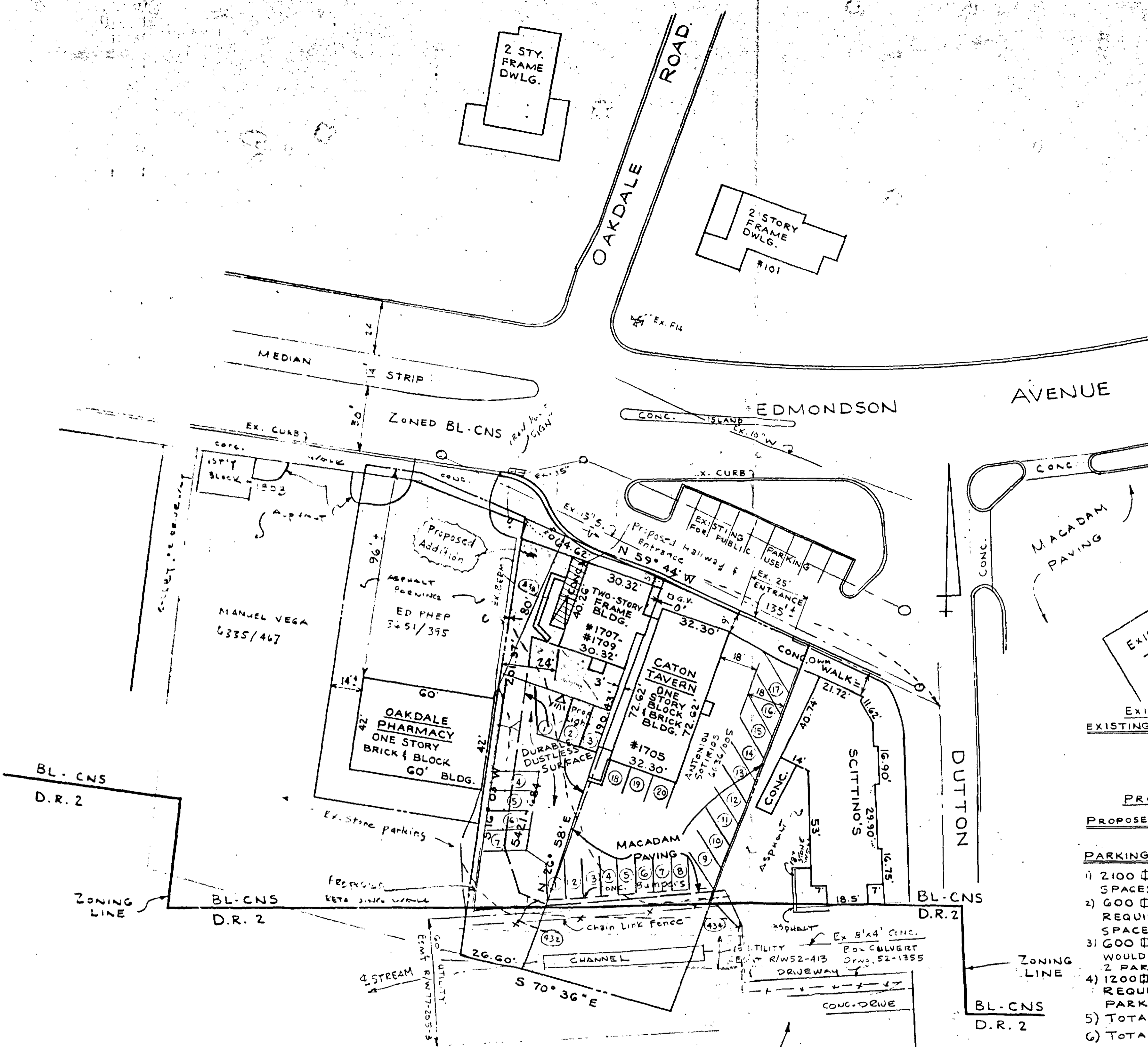
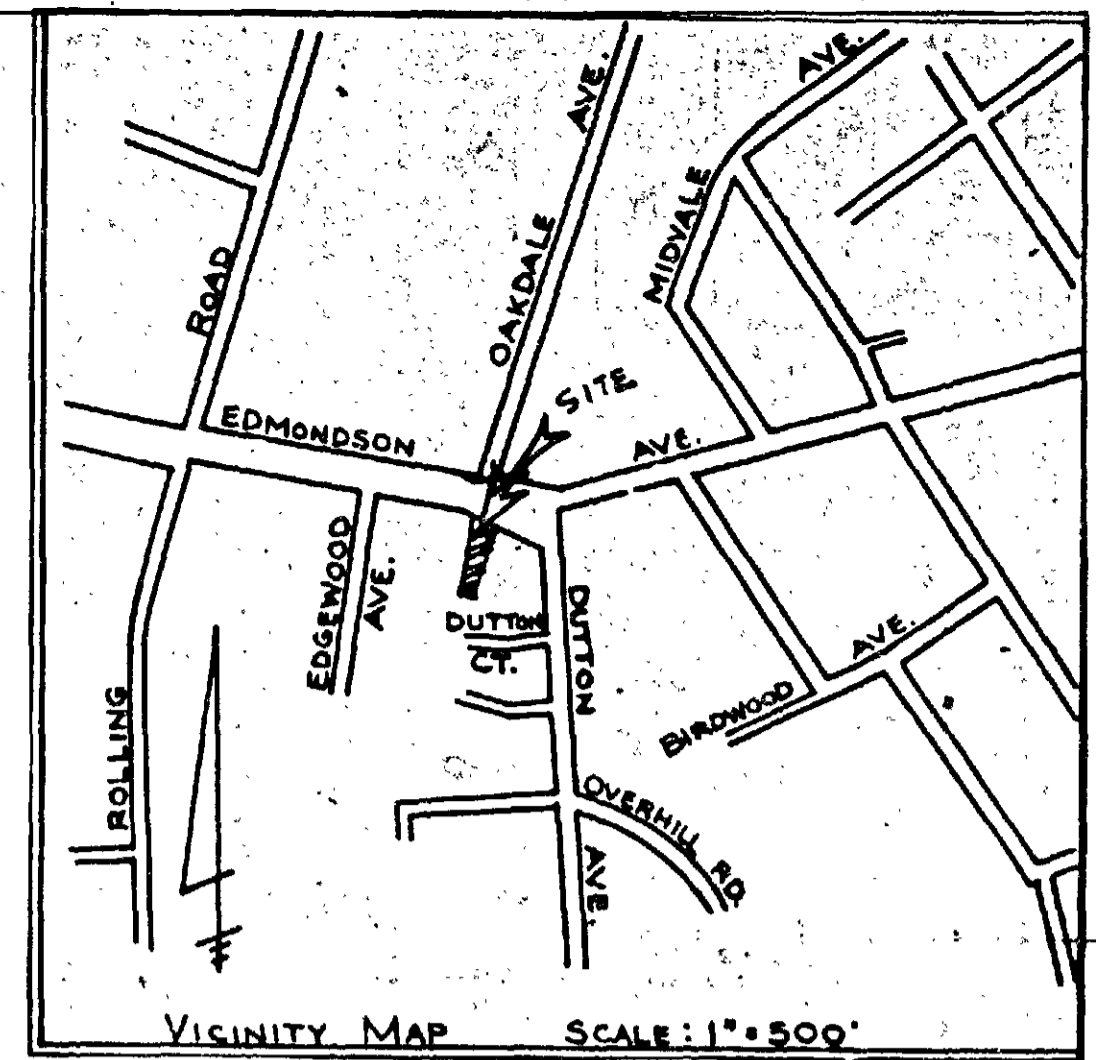
RECEIVED
MAR 28 1991
ZONING OFFICE

ZONING
BL-CNS - 7840.8 sq ft or 0.18 AC.±
D.R. 2 - 8711.2 sq ft or 0.20 AC.±
TOTAL OF LOT - 8818.6 sq ft or 0.20 AC.±

PRINT MADE
MAR 5 1991

LAND DESIGN ENGINEERING, INC.			
10020 Guilford Road • Suite 210 • Jessup • Maryland 20794 • (301) 604-6934 • FAX (301) 604-6935			
DESIGNED DJ	PLAT TO ACCOMPANY APPLICATION FOR VARIANCE		SCALE 1"=30'
DRAWN WJ	HENRY & JEAN HONICK PROPERTY		DRAWING 1 OF 1
CHECKED	1707 & 1709 EDMONDSON AVENUE 1ST ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND		JOB NO.
DATE FEB. 1991	OWNER: HENRY HONICK JR. 11630 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044 DEED REF. 5421/684		FILE NO.

Walter Page
3/5/1991

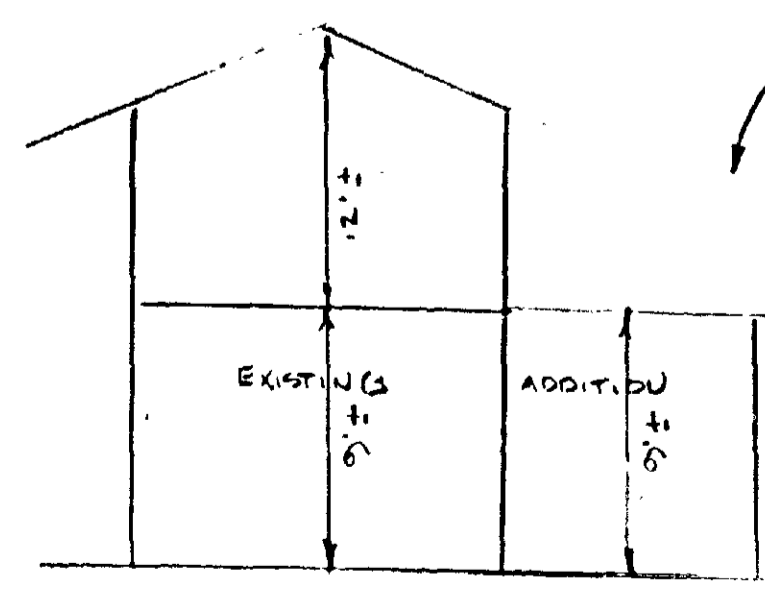


EXISTING TWO STORY FRAME DWELLING
 EXISTING USE - 1ST FLOOR - BARBER SHOP - AREA: 600 \square
 GENERAL OFFICE SPACE - AREA: 600 \square
 2ND FLOOR - DENTAL OFFICE - AREA: 1200 \square

PROPOSED ONE STORY OFFICE BLDG.
 PROPOSED USE - RETAIL OUTLET - AREA: 2100 \square

- PARKING DATA**
- 1) 2100 \square OF RETAIL OUTLET WOULD REQUIRE 5 PARKING SPACES PER 1,000 \square OR 10.5 PARKING SPACES
 - 2) 600 \square TO BE UTILIZED AS A BARBER SHOP WOULD REQUIRE 5 PARKING SPACES PER 1,000 \square OR 3 PARKING SPACES
 - 3) 600 \square TO BE UTILIZED AS GENERAL OFFICE SPACE WOULD REQUIRE 3.3 PARKING SPACES PER 1,000 \square OR 2 PARKING SPACES
 - 4) 1200 \square TO BE UTILIZED AS DENTAL OFFICE WOULD REQUIRE 4.5 PARKING SPACES PER 1,000 \square OR 6 PARKING SPACES
 - 5) TOTAL SPACES REQUIRED: 21
 - 6) TOTAL SPACES PROVIDED: 7

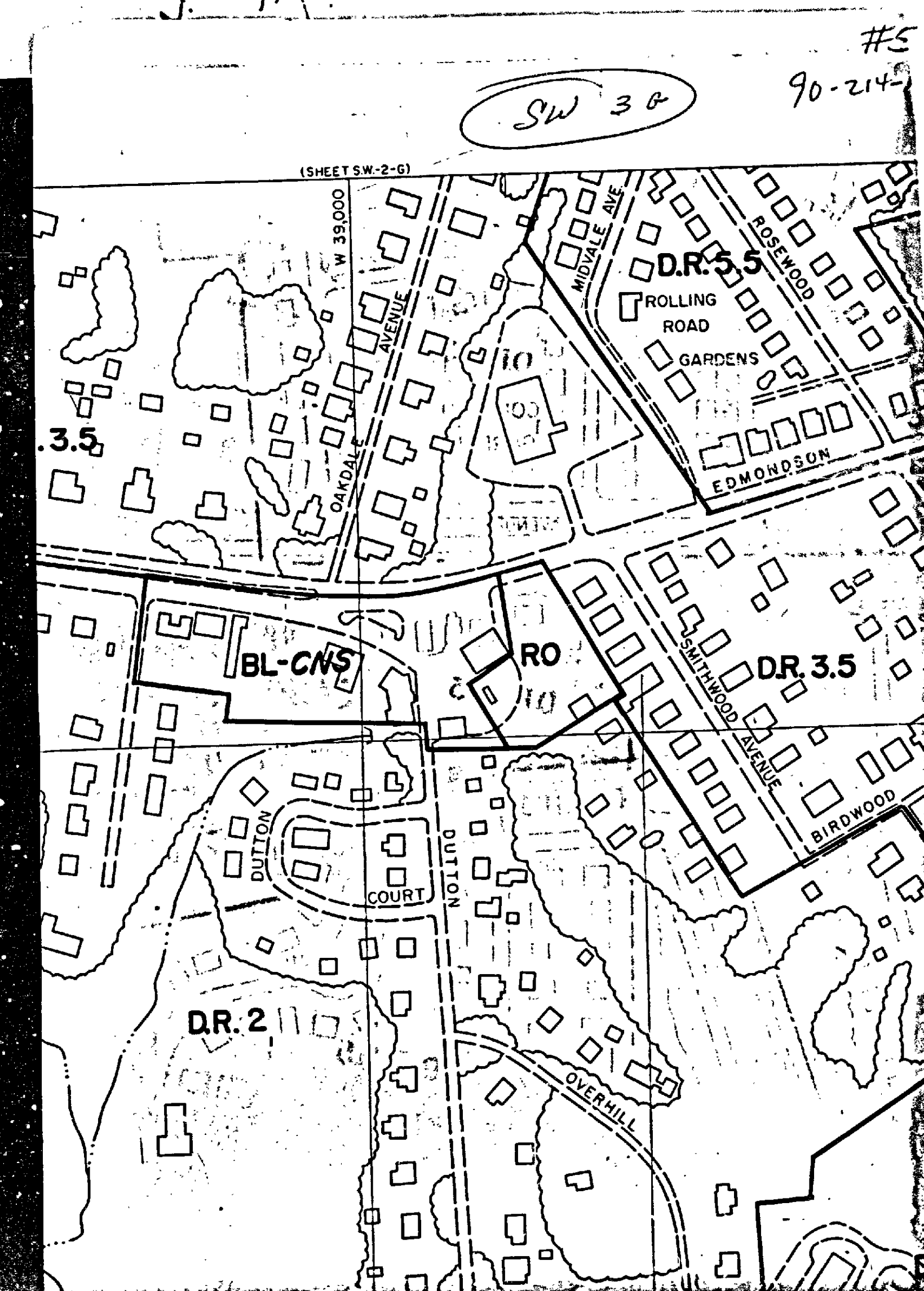
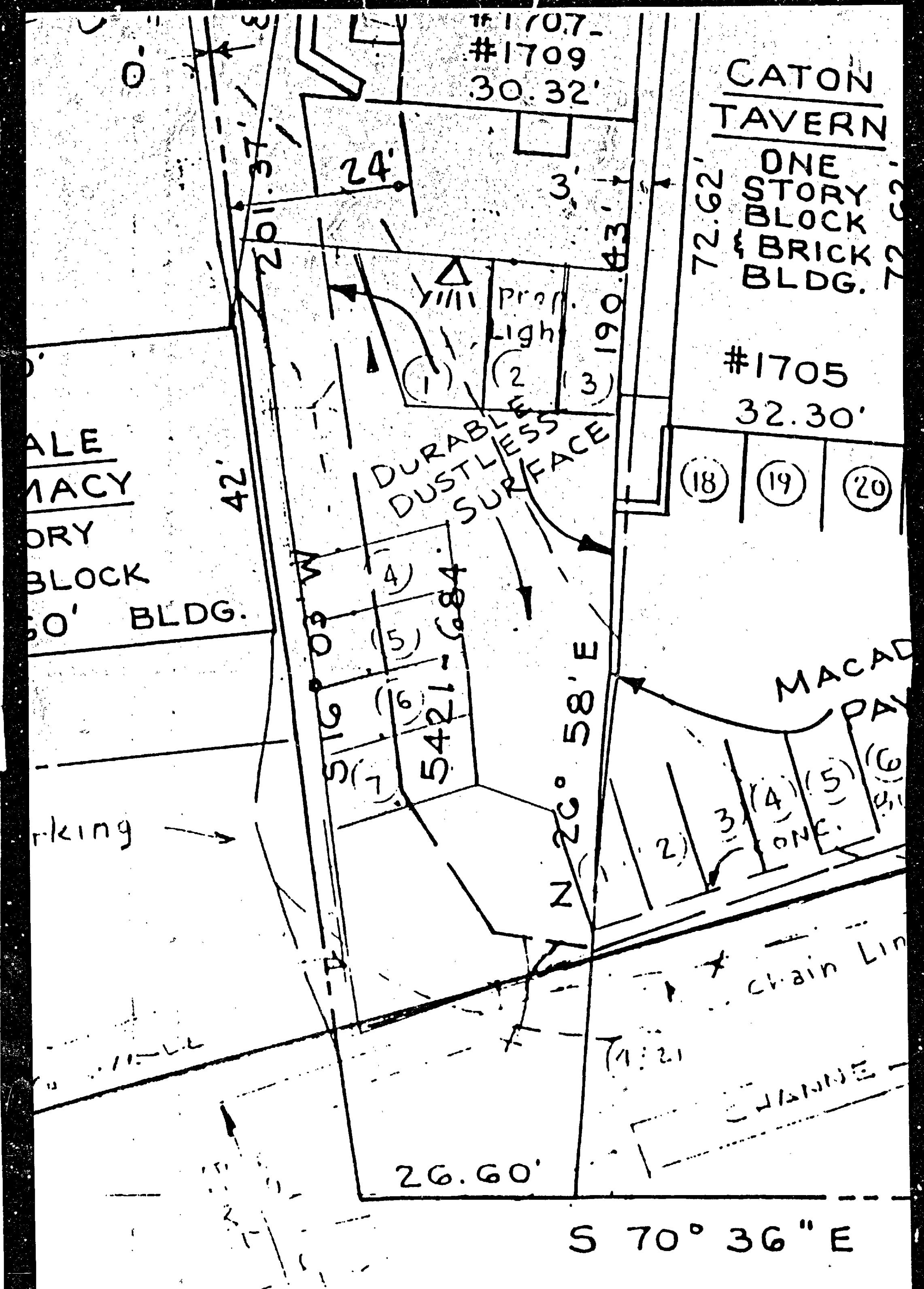
PLAT TO ACCOMPANY APPLICATION FOR VARIANCE
 OWNER: HENRY & JEAN HONICK
 NO. 1707 & 1709 EDMONDSON AVENUE
 BALTIMORE COUNTY, MD. 1ST DISTRICT
 DATE: MAY 9, 1989 SCALE: 1" = 30'
 ZONING: BL-CNS = 0.18 AC. JUNE 13, 1989 REVISED: JULY 12, 1989
 D.R. 2 = 0.02 AC. 871.25 \square
 TOTAL OF = 0.20 AC. 881.65 \square
 Lot



OWNER
 HENRY HONICK, JR.
 11600 LITTLE PATENT PARKWAY
 COLUMBIA, MD 21044
 DEED REF. 5421/684

A & H DEVELOPMENT, INC.
 201 EAST JEFFERSON
 BALTIMORE, MD 21202

#54
 90-214-A



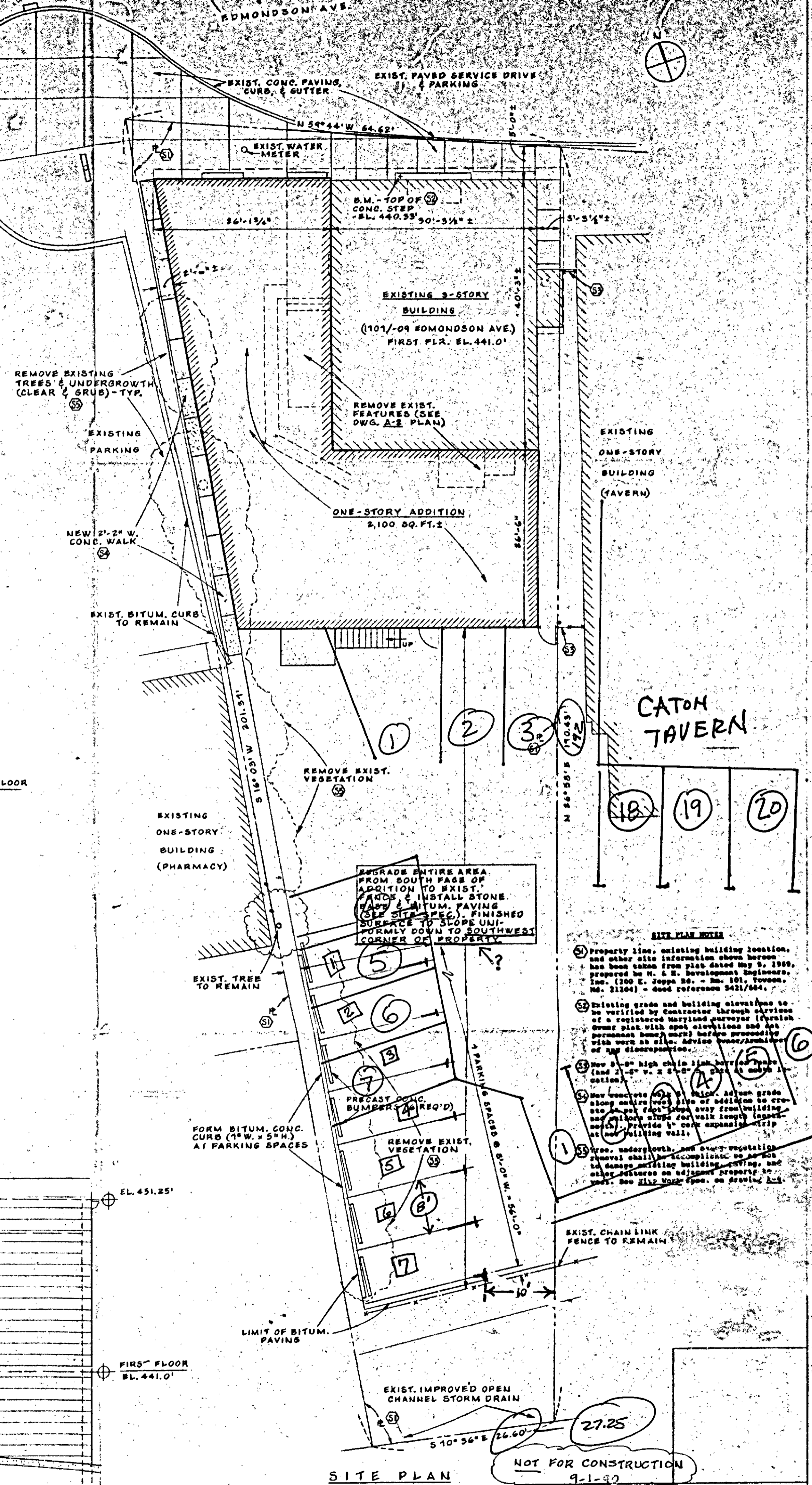
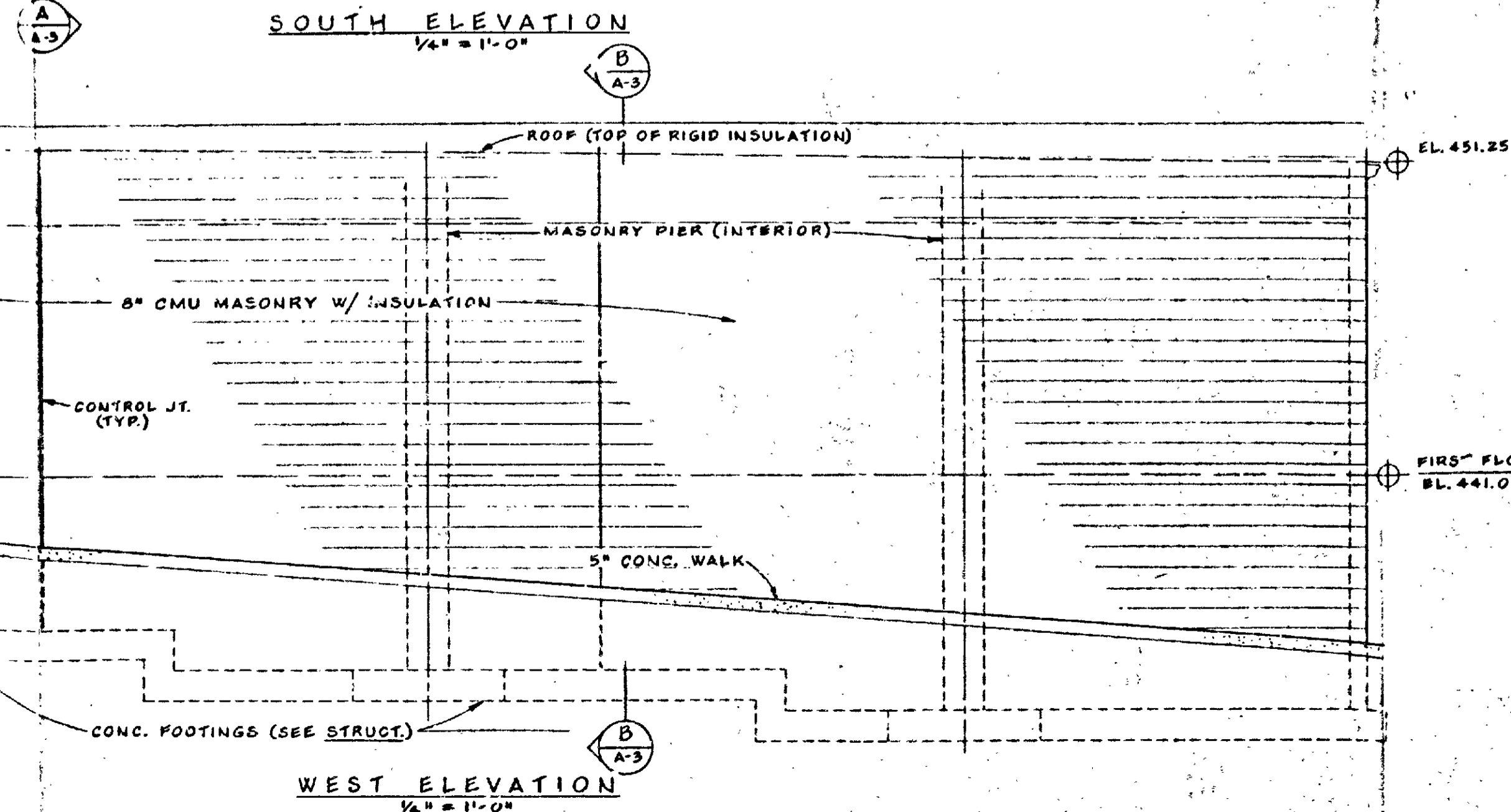
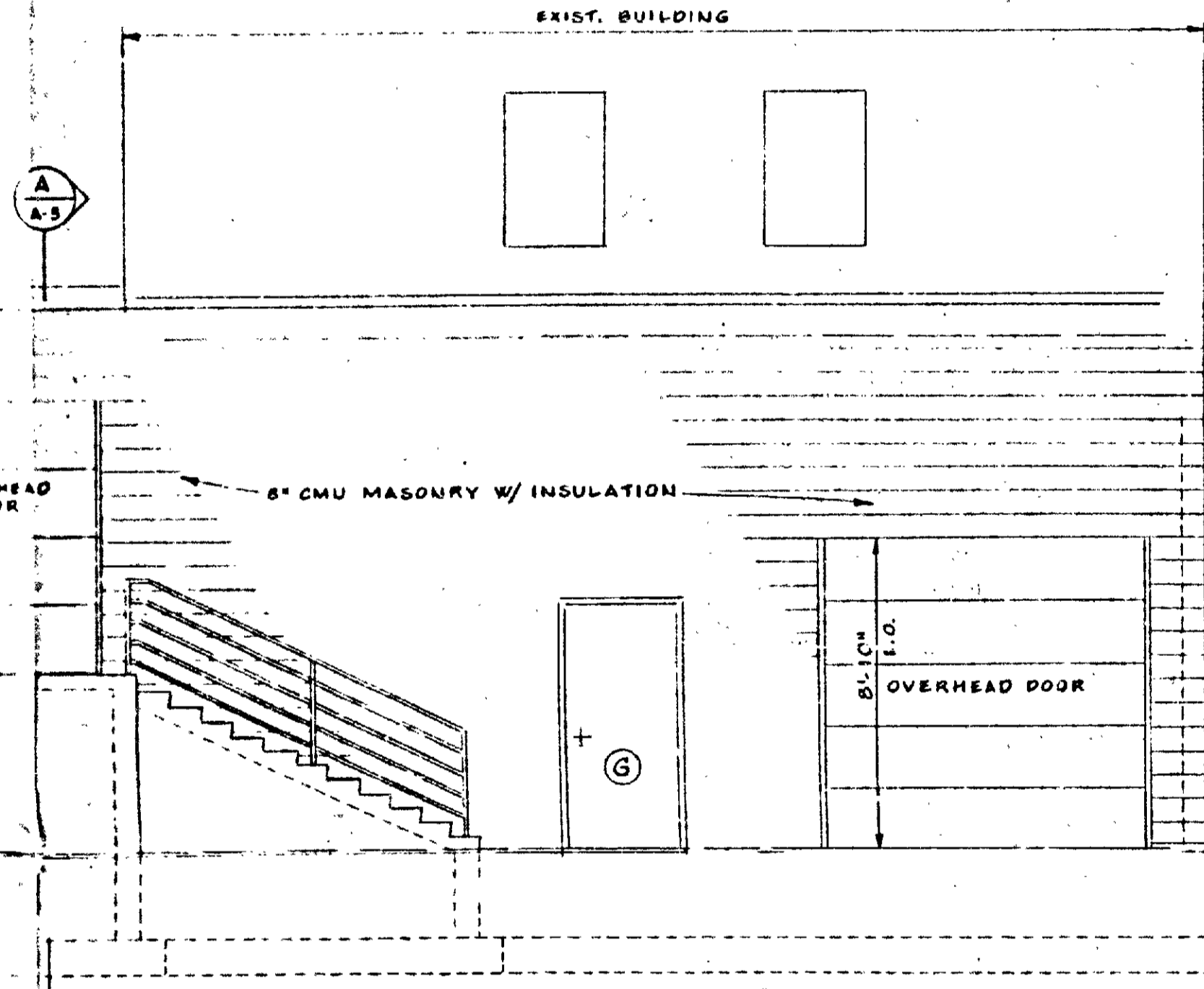
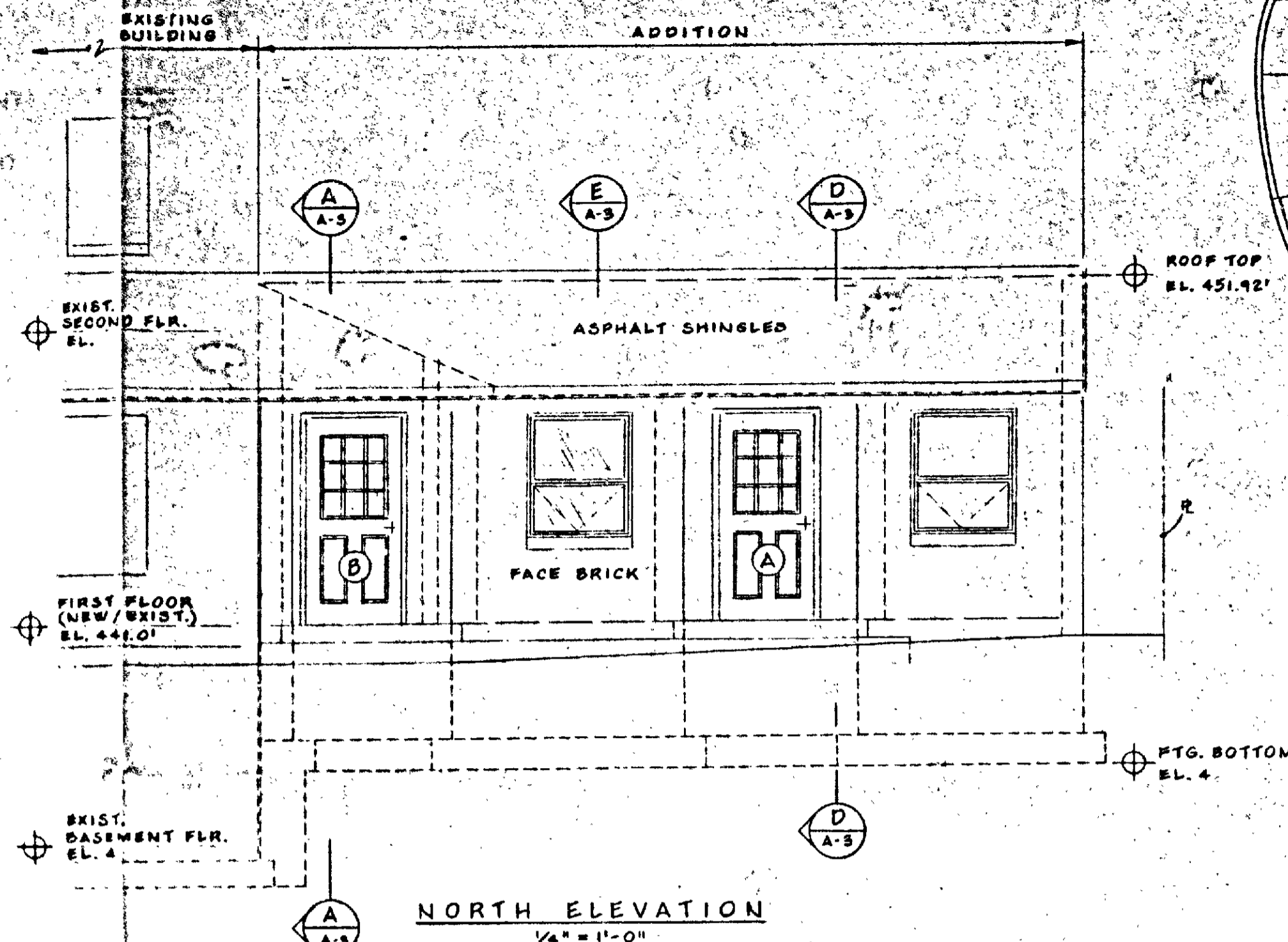
GENERAL NOTES

1. Contractor shall field check and verify all existing building and site conditions, dimensions, and elevations/grades which are contingent to the proper completion of the work.
2. All work shall be done in accordance with the Baltimore County Building Code and all other applicable codes and regulations.
3. Contractor's access to the job site and construction activity area shall be as indicated on the PLAN and as further directed in conference with the Owner.
4. Contractor shall provide all measures and temporary structures and weather protection for the maintenance of pedestrian traffic to the existing building's second floor dental suite. Also, maintain normal access to the existing first floor mercantile occupancy through the front (south) entrance. Details of access maintenance shall be in all cases be worked out with the Owner prior to being put into effect.
5. No work under this Contract shall be performed in the existing structure (except as necessary to properly connect exits, provide weather seals and flashing, and alter existing utilities to provide services for the addition, and other such minor changes) and a complete three (3)-hour fire wall including egress-rated openings shall be provided as shown on these drawings between the existing structure and the addition.
6. Reference is hereby made to the variances granted by the Baltimore County Office of Planning and Zoning (case no. 9C-4-1) pursuant to the construction of this addition.
7. The Owner shall obtain a Baltimore County Building permit for the project which shall be furnished to the Contractor for his full compliance. All other permits required for the proper completion of the project shall be obtained and paid for by the Contractor. The Contractor shall follow Baltimore County Department of Permits and Licenses inspection procedures for inspection of footings, framing, electrical work, plumbing, occupancy, and other applicable work.

DEMOLITION NOTES

(See drawing A-1 for demolition scope. Refer to Site Work (Sup. A-1) and B-1 for required removal of existing vegetation along west property line.)

1. Remove concrete porch and steps, concrete paving, wood roof, and minor related features. Exercise care at existing building to avoid damaging siding and other features to remain.
2. Remove concrete and CMU loading dock, wood roof, concrete basement stairs and sidewalks, and metal entry doors.
3. Remove concrete barrier.
4. Remove rough concrete paving patches and rubble.
5. Remove concrete stop projection.
6. Remove sloped roof section beyond west face of existing building.
7. Remove concrete paving (cut straight line with masonry saw).
8. Remove concrete rubble and other debris.



SITE PLAN NOTES

1. Property line, existing building location, and other site information shown hereon has been taken from plat dated May 5, 1989, prepared by H. & H. Development Engineers, Inc. (200 E. Joppa Rd. - Rm. 101, Towson, MD 21204) - deed reference 5431/1-1.
2. Existing grade and building elevations to be verified by Contractor through survey of a registered Maryland surveyor (Furnish Owner plat with spot elevations and add permanent bench mark before proceeding with work on site. Advise Owner/Architect of any discrepancies).
3. New 8\"/>

SITE PLAN
1\"/>

ERNEST F. SHARFF II
ARCHITECT
7182 FAIRBROOK RD.
BALTIMORE, MD 21207

ADDITION TO
1101/09 EDMONDSON AVE.
CATONVILLE, MD 21228

DATE: _____ DWG. A-1